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**DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection**

**DEPARTMENT OF THE TREASURY**

**19 CFR Parts 10, 24, 162, 163, and 178**

**USCBP-2011-0043**

**CBP Dec. 12 - 18**

**RIN 1515-AD79**

**UNITED STATES-PERU TRADE PROMOTION AGREEMENT**

**AGENCIES:** U.S. Customs and Border Protection, Department of Homeland Security;  
Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule, with one change, interim amendments to the U.S. Customs and Border Protection (CBP) regulations which were published in the **Federal Register** on November 3, 2011, as CBP Dec. 11-22, to implement the preferential tariff treatment and other customs-related provisions of the United States-Peru Trade Promotion Agreement.

**DATES:** Final rule effective [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER**].

**FOR FURTHER INFORMATION CONTACT:**

Textile Operational Aspects: Nancy Mondich, Trade Policy and Programs, Office of International Trade, (202) 863-6524.

Other Operational Aspects: Katrina Chang, Trade Policy and Programs, Office of International Trade, (202) 863-6532.

Legal Aspects: Karen Greene, Regulations and Rulings, Office of International Trade, (202) 325-0041.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

On November 3, 2011, CBP published CBP Dec. 11-22 in the **Federal Register** (76 FR 68067) setting forth interim amendments to implement the preferential tariff treatment and other customs-related provisions of the United States-Peru Trade Promotion Agreement (PTPA). Please refer to that document for further background information. In order to provide transparency and facilitate their use, the majority of the PTPA implementing regulations set forth in that interim rule and adopted as final in this document have been included within Subpart Q in Part 10 of the CBP regulations (19 CFR Part 10). However, in those cases in which PTPA implementation is more appropriate in the context of an existing regulatory provision, the PTPA regulatory text has been incorporated in an existing Part within the CBP regulations. CBP Dec. 11-22 also set forth a number of cross-references and other consequential changes to existing regulatory provisions to clarify the relationship between those existing provisions and the new PTPA implementing regulations.

Although the interim regulatory amendments were promulgated without prior public notice and comment procedures and took effect on November 3, 2011, CBP Dec. 11-22 provided for the submission of public comments which would be considered before adoption

of the interim regulations as a final rule, and the prescribed public comment closed on January 3, 2012. CBP received no comments.

### **Conclusion**

After further review of the matter, and in light of the fact that no comments were submitted in response to CBP's solicitation of public comment, CBP has determined to adopt as final, with a technical correction, the interim rule published in the **Federal Register** (76 FR 68067) on November 3, 2011. The technical correction is made to § 10.918(c)(1)(ii) to reflect amendments to additional U.S. Note 4(d) to subchapter XXI of chapter 98 of the Harmonized Tariff Schedule of the United States (HTSUS) effected by Presidential Proclamation 8240 of April 17, 2008, whereby the tariff numbers of subheading "5402.19.30," and subheading "5402.19.60" were added. As CBP Dec. 11-22 inadvertently omitted inclusion of these two tariff numbers within 19 CFR 10.918(c)(1)(ii), the technical correction is necessary to conform the CBP regulations to the current version of the HTSUS.

### **Executive Order 12866**

This document is not a regulation subject to the provisions of Executive Order 12866 of September 30, 1993 (58 FR 51735, October 1993), because it pertains to a foreign affairs function of the United States and implements an international agreement, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

### **Regulatory Flexibility Act**

CBP Dec. 11-22 was issued as an interim rule rather than a notice of proposed rulemaking because CBP had determined that the interim regulations involve a foreign affairs function of the United States pursuant to section 553(a)(1) of the APA. Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 et seq.), do not apply. Accordingly, this final rule is not subject to the regulatory analysis requirements or other requirements of 5 U.S.C. 603 and 604.

### **Paperwork Reduction Act**

The collections of information contained in these regulations have previously been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1651-0117. The collections of information in these regulations are in §§ 10.903 and 10.904. This information is required in connection with claims for preferential tariff treatment under the PTPA and the Act and will be used by CBP to determine eligibility for tariff preference under the PTPA and the Act. The likely respondents are business organizations including importers, exporters and manufacturers.

The estimated average annual burden associated with the collection of information in this final rule is 0.2 hours per respondent or recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of

Homeland Security, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

A copy should also be sent to the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, N.W., 5th Floor, Washington, D.C. 20229-1179. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and an individual is not required to respond to, a collection of information unless it displays a valid OMB control number.

### **Signing Authority**

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain CBP revenue functions.

### **List of Subjects**

#### **19 CFR Part 10**

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

#### **19 CFR Part 24**

Accounting, Customs duties and inspection, Financial and accounting procedures, Reporting and recordkeeping requirements, Trade agreements, User fees.

#### **19 CFR Part 162**

Administrative practice and procedure, Customs duties and inspection, Penalties, Trade agreements.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

### **AMENDMENTS TO THE CBP REGULATIONS**

Accordingly, the interim rule amending Parts 10, 24, 162, 163, and 178 of the CBP regulations (19 CFR Parts 10, 24, 162, 163, and 178), which was published at 76 FR 68067 on November 3, 2011, is adopted as a final rule with one change as discussed above and set forth below.

#### **PART 10 - ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.**

1. The general authority citation for Part 10 and the specific authority for new Subpart Q continue to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

\* \* \* \* \*

Sections 10.901 through 10.934 also issued under 19 U.S.C. 1202 (General Note 32, HTSUS), 19 U.S.C. 1520(d), and Pub. L. 110-138, 121 Stat. 1455 (19 U.S.C. 3805 note).

**§ 10.918 [Amended]**

2. In § 10.918, paragraph (c)(1)(ii) is amended by adding, in numerical order, a reference to “5402.19.30, 5402.19.60,”.

David V. Aguilar  
Deputy Commissioner  
U.S. Customs and Border Protection

Approved: October 15, 2012

Timothy E. Skud

Deputy Assistant Secretary of the Treasury

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